

Refugees and Asylum Seekers from Eritrea and Sudan in Israel – A Review

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There are approximately 38,000 people in Israel without status who entered the country across the border from Egypt, and are accordingly defined by the Ministry of the Interior as “infiltrators.” Approximately 35,000 of these people are asylum seekers from Eritrea and Sudan. According to the Refugees Convention and additional conventions to which Israel is committed, **a person is not to be deported to a place where their life is liable to be in danger, or where they are liable to suffer torture, persecution, or other cruel and inhuman treatment.** This is the **principle of non-refoulement.** Until now, Israel has acted in accordance with this substantive principle and refrained from returning asylum seekers to their country of origin due to concern for their life. **Now, however, it plans to deport them to third countries, returning them to the circle of refugeehood!**

Deportation

In November 2017 the Israeli Government declared that it was launching an intensive program to deport Eritrean and Sudanese refugees to a third country **by force.** At the same time, it is planning to close the Holot facility by March 2018. The agreements on the basis of which Israel plans to deport refugees have not been exposed to the public. Moreover, **both Rwanda and Uganda deny that such agreements exist. Without an agreement, the Israeli Supreme Court has established that protracted imprisonment and forced deportation are prohibited.**

Mortal Danger

Israel has implemented a policy of “voluntary departure” to Rwanda for several years. It has repeatedly promised that this is a safe country where the refugees will receive legal status, access to the asylum system, and the ability to enjoy a dignified existence. However, hundreds of testimonies show that the reality is the opposite. **Only seven of some 4,000 people “voluntarily” deported to Rwanda have managed to remain in that country.** The others have been forced to escape and to continue their journey as refugees. **Many of them have died along the way.**

Deportation Procedure

According to the procedure published by the Population and Migration Authority on 1 January 2018, any asylum seeker from Sudan or Eritrea who did not submit an asylum

application by that date, or whose application was rejected, is liable to deportation to a third country. Those who refuse will be imprisoned indefinitely until they agree to leave. The Prime Minister has even instructed the Population and Migration Authority to propose a plan for the forced deportation of refugees. Since the asylum system in Israel does not function, it is impossible to know who is a refugee and who is not. In practice, therefore, **Israel is planning the indiscriminate deportation of asylum seekers from Africa to mortal danger!**

A Non-Functional Asylum System

To date, **15,205** asylum applications have been submitted by Eritrean and Sudanese citizens. The Government claims that over 20,000 persons did not submit asylum applications because they are not refugees, and accordingly may be deported. In practice, **Israel has done everything possible to thwart attempts to submit asylum applications. Even those applications that have been not submitted are not examined properly or at all.** Until 2013, Israel flatly refused to allow Eritrean and Sudanese citizens to submit asylum applications. Even after it ostensibly introduced the examination procedure, however, it has done so solely for appearance's sake. The system is deliberately inefficient and does not act in good faith. **Asylum applications may only be submitted at one office in all of Israel**, on Salama Street in Tel Aviv. There is a constant line of hundreds of asylum seekers outside this office. People come to the office repeatedly **and are forced to wait for months merely to submit their application.**

Of **15,000 asylum applications** submitted by Eritrean and Sudanese citizens, only **11 have received refugee status.** The rate of recognition in Israel is the lowest in the Western world (**less than one percent!**), in contrast to average recognition rates around the world of 87 percent for Eritrean citizens and 63 percent for Sudanese citizens. At present, **8,588** asylum applications submitted by Eritrean and Sudanese citizens are pending and awaiting a response, in some cases for over **four years!** Moreover, Israel reports that 6,514 asylum applications were closed. In most cases, the grounds for closure were the voluntary departure of the asylum seeker from Israel, or outright rejection of the application without any substantive examination. **In effect, therefore, over the 10 years since asylum seekers from Sudan and Eritrea began to arrive in Israel, it has substantively examined only a very small number of asylum applications.**

Every African asylum seeker who has not yet managed to submit an asylum application, or whose application has been rejected outright without a genuine examination, **now faces the threat of deportation.** More than ever, then, we must ensure that the asylum system in Israel does its job properly, enabling the submission of asylum applications and examining them individually, in good faith, and without prejudice.

The Holot Facility

Unlike the vast majority of countries, the State of Israel mandates the imprisonment of asylum seekers on their entry to the country. Today, imprisonment is effected in accordance with the Prevention of Infiltration Law (2016), after three earlier versions of the law (2012, 2013, and 2014) were disqualified by the Supreme Court on the grounds of disproportionality. The maximum period of incarceration at the facility is now 12 months. Some 1,200 asylum seekers are currently held at Holot, where the maximum capacity is 3,360. The cost to the state of establishing the facility was over half a billion shekels, while Minister of Public Security Gilad Erdan has stated that the operating costs are 240 million shekels a year. **The declared purpose of Holot is to apply pressure on the asylum seekers to leave Israel. Today, it is clear that this goal has failed: when the options are imprisonment or the continuation of the journey of flight and refugeehood across the globe, many asylum seekers prefer imprisonment.** In December 2017 the Prevention of Infiltration Law was amended. The main change was the decision to extend the temporary provision providing for the operation of the Holot facility by just three months. Accordingly, the goal is to close Holot by March 2018.

The Distress Facing the Neighborhoods of South Tel Aviv

The neighborhoods of south Tel Aviv are currently home to **some 14,000 African asylum seekers**. In 2014, **the State Comptroller published a detailed and damning report** stating conclusively that the condition of the south Tel Aviv neighborhoods is deteriorating, and that the responsibility for this rests with the Government, which has neglected and abandoned these areas. Almost four years later, the Government has done nothing to improve the lot of the residents of these areas. Instead, it has invested enormous resources in a populist and well-publicized campaign against the asylum seekers. **Abusing asylum seekers does nothing to help the residents of south Tel Aviv.** Leaving asylum seekers without work permits and basic rights only exacerbates the burden on the veteran residents of these neighborhoods. **The government bears an obligation to invest directly in these areas** in the fields of education, welfare, health, infrastructures, transportation, and housing to the benefit of all the residents. **Granting work permits and access to health and welfare services to the asylum seekers will also lead to their natural dispersion around Israel, ending their dependence on the meager special services allocated to them in Tel Aviv.**

Geographical Restrictions

The concentration of thousands of asylum seekers in the already-disadvantaged neighborhoods of south Tel Aviv is a phenomenon that must be rectified. **Investment in these neighborhoods is certainly vital, as is the dispersion of the asylum seekers around Israel.** Asylum seekers should be encouraged to leave the neighborhoods of south Tel Aviv and other disadvantaged areas, but this should not be done in a violent or punitive way. Instead, this goal should be secured by providing assistance and incentives, both to the asylum seekers and to local authorities and employers that absorb them. **Israel must not repeat the same mistake by transferring the asylum seekers to other disadvantaged**

neighborhoods. Dispersion must be achieved by means of genuine support for the absorbing neighborhoods and towns.

Restrictions in the Economic and Employment Fields

Alongside the threat of imprisonment, Israel also applies a policy of economic punishment against asylum seekers and their employers with the goal of encouraging the asylum seekers to leave Israel. In particular, **Israel refuses to grant work permits to the asylum seekers.** Indeed, the visas they receive explicitly state that the document does not constitute a work permit. However, the state has undertaken before the Supreme Court not to implement this prohibition and not to criminalize the employment of asylum seekers. This situation has impaired the employment security of the refugees, **and has left them as weakened workers whose rights are often violated by their employers.**

- **Deposit Law:** Asylum seekers are one of the weakest groups of workers in Israel. Israel recently established a special fund comprised of an **employer's deposit** at the level of 16 percent of the base salary, constituting a type of substitute for pension and compensation payments, together with **a deduction of 20 percent from workers' salaries.** The claim is that these funds will be handed to the asylum seekers when they leave Israel. The goal is to **drive the asylum seekers into poverty in order to push them out of Israel.** Thus the asylum seekers are deprived of one-fifth of their salary. Moreover, due to structural problems in the procedure established by Israel for the receipt of this money, **to date most asylum seekers who have left Israel have done so without receiving the money deposited in the fund.**
- **Employer's levy:** Imposition of a fine at the level of 20 percent of the salary on employers who choose to employ asylum seekers. **This sum is not deducted from the workers' salary, but paid by the employer.** However, it is important to note that the main victims of the employer's levy are the asylum seekers, whose employment has become more expensive. The result is that many asylum seekers have lost their jobs and have been replaced by foreign workers from other countries. **If the idea behind the levy was to encourage the employment of Israeli citizens, it has in no way secured this objective.**